

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on March 31, 2009 which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2 and 4-20 remain in this application, where claim 3 had been previously canceled without prejudice, and claims 8-20 have been currently added. Claims 1 and 4 are independent.

In the Final Office Action, claims 1-2 and 4 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,745,684 (Oskouy) in view of U.S. Patent No. 5,359,595 (Weddle). Further, claim 5 is rejected under 35 U.S.C. §103(a) over Oskouy in view of Weddle and U.S. Patent No. 6,182,183 (Wingard). Claims 6 and 7 are rejected under 35 U.S.C. §103(a) over Oskouy in view of Weddle and U.S. Patent Application Publication No. 2003/0065862 (Wyland). Applicant respectfully traverses and submits that claims 1-2 and 4-20, as amended, are patentable over Oskouy, Weddle, Wingard and Wyland for at least the following reasons.

Oskouy is directed to an apparatus and method for providing a

generic interface between a host system and an asynchronous transfer mode core functional block. As correctly noted on page 3 of the Final Office Action, Oskouy does not disclose or suggest that the information is indicative of the frequency with which new data is to be provided. Weddle is cited in an attempt to remedy the deficiencies in Oskouy.

Weddle is directed to a skywave adaptable network transceiver apparatus and method using a stable probe and traffic protocol. FIGs 4-7 and column 15, lines 25-43 are cited to allegedly show that the information is indicative of the frequency with which new data is to be provided. Column 15, lines 25-43 of Weddle describe a frequency confirmation protocol, where a node decides to change its reception frequency, and chooses another frequency from different default carrier frequencies that are provided in a known list. The reception frequency is a carrier frequency that carries data, where data is modulated on the carrier frequency.

It is respectfully submitted that Oskouy, Weddle, and combinations thereof, do not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 4 which, amongst other patentable elements,

recites (illustrative emphasis provided):

wherein the information is indicative of how often new data is to be provided

Exchanging information, which include information indicative of how often new data is to be provided, is nowhere disclosed or suggested in Oskouy and Wyland, alone or in combination. Rather, Weddle described nodes that change the carrier frequency which is modulated with data, to provide "frequency diversity [that] makes the system robust even in the face of constantly changing propagation characteristics," as recited on column 16, line 7-9. (Emphasis added) Wingard and Wyland are cited to allegedly show other features and do not remedy the deficiencies in Oskouy and Weddle.


Accordingly, it is respectfully requested that independent claims 1 and 4 be allowed. In addition, it is respectfully submitted that claims 2 and 5-20 should also be allowed at least based on their dependence from independent claims 1 and 4 as well as their individually patentable elements.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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